

REMARKS

Claims 1-8 are currently pending in the application and are presented for reconsideration and further examination in view of the following amendments and remarks.

In the outstanding Office Action, claims 1-8 were objected to because of informalities; claim 1 was rejected under 35 U.S.C. § 112, 2nd paragraph as failing to set forth the subject matter which Applicants regard as the invention; in claim 1, the term “WWW server” was interpreted as “web server;” and claims 1-8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0051255 to Bulman et al.

By this Amendment claims 1-8 are amended to overcome the objections and rejections under 35 U.S.C. § 112, 2nd paragraph and not to distinguish over any cited art. Therefore, the amendments have not narrowed the scope of the claims within the meaning defined in Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 U.S. 722 (2002). It is further respectfully submitted that the within amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Objections

The Examiner objected to claims 1-8 because the terms ‘WWW browser’ and ‘WWW server’ should be changed to --Internet browser-- and --Internet server--.

In response, Applicants have amended claims 1-8 by replacing the term “WWW” with --Internet-- and in claim 1 “WWW server” has been changed to --Internet browser--.

As all of the informalities have been corrected, Applicants respectfully request withdrawal of the objections.

Rejections under 35 U.S.C. § 112, 2nd paragraph

The Examiner rejected claim 1 as lacking sufficient antecedent basis for the feature “WWW server” in the claim.

In response, Applicants have amended claim 1 by replacing “WWW server” with --Internet browser--. Further, in claims 2 and 3, Applicants have corrected an informality by replacing “the terminal” with --a terminal--. Additionally, it is to be noted that the term “a terminal” is meant to refer to a terminal connected to the web server via the network.

As all of the claims now comply with 35 U.S.C. § 112, Applicants respectfully request withdrawal of the rejection.

Claim Interpretation

The Examiner interpreted the terminology “WWW server” in claim 1 as “web server.”

In response, Applicants have amended claim 1 by replacing “WWW server” with --Internet browser--. Therefore, since the Examiner’s interpretation is not correct, Applicants respectfully request reconsideration of claim 1.

Rejection under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by Bulman et al.

In response, reconsideration and withdrawal of the rejection is respectfully requested.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990).

It is respectfully submitted that Bulman et al. fails to disclose each and every element as set forth in claims 1-8.

Initially, Applicants assert that the filing date of Bulman et al. is antedated by Applicants' earlier foreign priority application filed in Japan on April 20, 2000 and by Applicants' U.S. filing date of the present application of April 16, 2001. Applicants note that the Bulman et al. Publication has a filing date of February 25, 2002 and is a Continuation-In-Part (CIP) of U.S. Patent No. 6,351,265, filed on April 28, 1999.

Claims 1-8 of the present application recites features, *inter alia*, a network, digital data, a user terminal, an effect server, a web server, a processing program, a calling program, an Internet browser, and effect data pieces.

In the Office Action, the Examiner refers to the Abstract, paragraphs [0023] and [0029] from the Summary of the Invention section, and Figure 19 of Bulman et al. Publication as teaching the features of claim 1-8 of the present application.

Bulman et al. '265 includes examples 1-8 and corresponding drawings. However, the Bulman et al. Publication, which is a CIP, differs from Bulman et al. '265 in that at least examples 9-16, corresponding drawings, and associated text are added in paragraphs [0265] -

[0302]. Further, the Abstract and Summary of the Invention sections of the Bulman et al. Publication appear to be entirely rewritten.

In addition, there is no description regarding a database server, an application server, a web server, a central server, or a web browser [emphasis added] in Bulman et al. '265. However, the Bulman et al. Publication does discuss a database server, an application server, and a web server in at least Example 10, and a central server in at least Example 11, and a web browser in at least Example 12.

Therefore, Applicants respectfully submit that the features of the Bulman et al. Publication referred to by the Examiner as teaching the features of the present invention do not have a priority date that antedates the priority date of the present application. The relevant subject matter in the Bulman et al. Publication were added as of that Publication's filing date, February 25, 2002 and was not disclosed in the earlier application which was filed on April 28, 1999. Thus, the filing date of the Bulman et al. Publication is antedated by Applicants' earlier foreign priority application as the conditions of 35 U.S.C. § 119 were met, and the foreign application "supports" (conforms to 35 U.S.C. § 119, first paragraph, requirements) all the claims of the U.S. application. *In re Gosteli*, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Applicants respectfully submit that the Bulman et al. Publication does not teach or suggest each and every element as recited in claims 1-8 of the present invention.

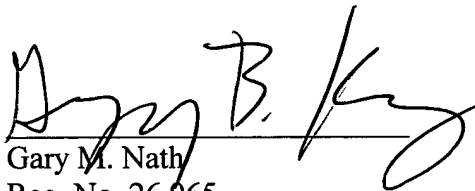
It is therefore respectfully submitted that the present invention is novel and non-obvious over the cited reference, and thus, request that the rejection of claims 1-8 under 35 USC § 102(e) be withdrawn.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application. Favorable action with an early allowance of the claims is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Gary M. Nath", is written over a horizontal line.

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